IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.APPLICATION NO.669 OF 2007
IN
CRI.APPEAL NO. 482 OF 2007

Siddhappa Bhima Lade ..Applicant

Vs.

The State of Maharashtra ..Respondent

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Mr.Girish R.Agarwal Advocate for Applicant
Mrs.A.S.Pai APP for State

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**CORAM: R.M.S.KHANDEPARKAR, AND
SMT.V.K.TAHILRAMANI, JJ.**

DATE : JULY 20, 2007

P.C. [PER SMT.V.K.TAHILRAMANI,J.] :

1. Heard the learned advocate for the applicant and the learned APP for the State.

2. The applicant has been convicted under Section 302 of IPC. The applicant is now seeking bail. The evidence of eye witness i.e. P.W.3 Jagadev Lade implicates the applicant. The eye witness has stated that the applicant sat on the chest of the deceased Siddharam and assaulted him with stone on the chest. The post mortem notes show that three ribs of Siddharam were fractured and the cause of

death is due to "fracture of ribs C haemothora". The learned advocate for the applicant has placed reliance on the decision of the Supreme Court in the case of **Khambam Raja Reddy and Anr. Vs. Public Prosecutor, High Court of Andhra Pradesh; AIR 2006 SC 3236.** In the said case, as the injuries did not match the occular evidence, the accused came to be acquitted. However, in the present case, the medical evidence corroborates the evidence of eye witness, hence, the said decision can have no application to the facts of the present case. Looking to evidence on record, we do not think that this is a fit case to grant bail.

3. Application is rejected.

[R.M.S.KHANDEPARKAR, J.]

[SMT.V.K.TAHILRAMANI,J.]